

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
March 22, 2011**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice Chair Hausch called the meeting to order at 5:02 p.m.

ROLL CALL

The following members were present: Messrs. Bodnar (alt. for Adams), Morse, Schaedlich, Siegel, Smith (alt. for Sines), Troy, Webster (alt. for Brotzman), Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

MINUTES

Mr. Schaedlich moved and Mr. Siegel seconded the motion to approve the February, 2011 minutes.

All voted "Aye".

FINANCIAL REPORT

February 2011 Financial Report

Mr. Morse moved and Mr. Schaedlich seconded the motion to approve the February, 2011 Financial Report.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no legal report.

DIRECTOR'S REPORT

Mr. Boyd said that the move of the Community Development Block Grant Office to the Planning Commission office is complete. We will continue to work on the Neighborhood Stabilization Program, Energy Efficiency Grant and continue to bring staff on board. Marian Norman has returned here to manage the HOME program. We submitted a Request for Proposal for assistance and CT Consultants have come on board because of their experience with CDBG. They will assist with an extensive list of CDBG requirements such as historic preservation documents, environmental issues, and so on. The consultant, Phyllis Dunlap, will be funded with CDBG dollars. We will continue to undertake our planning requirements and correlate this with grant work. The Planning Commission will be refaced as the Community Development Office and will become a department of the County Commissioners but our Planning Commission obligations will remain the same. He met with Pat Nocero of the Prosecutor's Office to discuss this change.

Mr. Troy said that the Planning Commission will remain with its traditional duties of subdivision regulation, zoning recommendations, and so on, but the staff will continue as the new Department of Community Development and Planning and will be an arm of the County Commissioners combining personnel and the Community Development Block Grant Program. That office will be assigned to staff the Lake County Planning Commission along with our traditional duties. With regard to the budget, Mr. Boyd will be dealing directly with the County Commissioners, not the Planning Commission board. Fiscal year 2010 allows \$250,000.00 for administrative costs.

Ms. Hausch directed attention to the Annual Report for 2010.

Mr. Boyd thanked Ms. Myers of staff for putting that together.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township: Mountainside Farms, Phase 3C, 1 Sublot, 0.5054 Acres

Mr. Radachy said that under discussion is the Resubdivision Plat of one sublot in Mountainside Farms, Phase 3C. The Lake County Engineer reviewed the plat and found the document in general conformance with the rules and regulations. The final plat was approved in 2011. There is no maintenance bond on the road because the County Commissioners released it. The original plat that was filed in 2009 showed that Phase 3B was approved with 6 sublots on a road that connected Mountaintop Estates with Mountainside Farm Estates Phase II. This subdivision is dividing land that was originally part of the Mountainside Farms Phase 3A plat. The right-of-way was dedicated as part of Mountainside Farms Phase 3B.

Proposed Stipulations:

1. Remove the signature lines for the Board of Lake County Commissioners. They are not necessary because they are not accepting any new rights-of-way or easements.
2. Remove the signature line for the Lake County Prosecutor. There is no legal review necessary for this plat.

Proposed Comments:

1. No concerns – Concord Township
2. The Lake County Engineer has reviewed the proposed Mountainside Farms 3C Resubdivision Plat and found the document in general conformance with the rules and regulations.

Mr. Radachy said that the Utilities Department did not respond in writing but said there is a water connection and a sewer connection to the plot.

Mr. Bodnar asked if this will be a continuation of lot subdividing or is this a one time occurrence?

Mr. Radachy said it depends on the market.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to approve the resubdivision of a parcel in Mountainside Farms, Phase 3C,1 Sublot on 0.5054 acres in Concord Township with two stipulations.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy said that the engineering firm representing Maplevue Subdivision in Painesville Township wants to resubmit the plat. The Commons of Concord off Crile Road just south of Gristmill wants to combine a lot so there will be a resubmission. Nature Preserve North, a 10-lot subdivision that was tabled, is redesigning the plat. The Utilities Department hired a new Deputy Sanitary Engineer, Denis Yurkovich. Staff will be meeting with him to familiarize him with our procedures. The developers of Kimball Estates are planning to expose a connection on a corner where a storm sewer pipe was buried and connected Mr. Brotzman's drain tile. The County Engineer wants them to expose a corner where the two connections come together. They are going to shoot the elevation to make sure it is going in the correct direction and possibly put in a catch basin. The County Engineer also informed Mr. Radachy that there is an issue with Nature Preserve North Phase III. We may be approaching the Prosecutor to take their maintenance bond to fix it.

When asked about Kimball Estates, Mr. Radachy said that they are going to be working at the other end of the pipe. Mr. Zondag said he agrees and it accumulates at the culvert where, he thinks, there is a shift in the culvert. Mr. Boyd said that is Mr. Gills' and Mr. Hadden's call.

LAND USE AND ZONING REVIEW

Mr. Radachy said the first case is definitions. The Land Use and Zoning Committee recommended the following suggestions:

Painesville Township - Text Amendment to Section V – Definitions

1. Change the name of the Portable On-Demand Storage (PODS) to a generic term like Temporary Portable Storage Units. PODS is a brand name. There is another named Go Minis.
2. Add definitions for Carport, Attached and Garage, Attached Private.
3. Change "re" to "are" in the accessory structure, leisure definition.
4. Change "of" to "by" in the swimming pool, club definition.
5. Remove "laid" from the trellis definition.
6. Change "of protection" to "for protection" in the fence definition.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the six recommendations of the Land Use and Zoning Committee for Text Amendment changes to Section V, Definitions in Painesville Township.

All voted "Aye".

Painesville Township - Text Amendment to Section VI- New Section 6.16, Accessory Structures Not Requiring a Zoning Permit & Section 6.17, Temporary Structures

Mr. Radachy said that new Section 6.16 defines uses that do not need a zoning permit. Section 6.17 defines temporary structures such as portable on demand storage units. The Land Use and Zoning Committee expressed concern that there was no limitation on using a semi-trailer as a PODS. Requiring a survey would be expensive and staff wondered about the purpose of the survey when the use is only temporary.

Staff recommended the following:

1. Remove wood piles and landscaping materials as a use not requiring a zoning permit.

2. Set a maximum square footage for an accessory structure needing a permit. The terms doghouses, playhouses and sheds should be removed from the regulations.
3. Require basketball hoops and similar structures to be installed outside of the right-of-way and any temporary road or cul-de-sac easements in Sections 15.03 G 7 and 18.03 G 7.
4. Prohibit demand storage units from being located in any temporary road or cul-de-sac easements in Section 6.17 e.
5. Change the name of the Portable On-Demand Storage (PODS) in Section 6.17 to a generic term like Temporary Portable Storage Units.
6. Put a maximum length and height limitation on the Temporary Portable Storage Units. Also state "no semi-trailers".
7. The exemption language listed in Section 6.17 f should be listed with the time restrictions in Section 6.17 b.
8. Remove the survey requirement in Section 6.17 f.

Mr. Morse moved and Mr. Siegel seconded the motion to accept the eight recommendations of the Land Use and Zoning Committee to approve the text amendments to Section VI New Section 6.16, Accessory Structures not requiring a zoning permit and Section 6.17, Temporary Structures.

All voted "Aye".

Painesville Township - Text Amendment to Section 14.02 (D), and 15.02 (D), Accessory Structures, Leisure

Mr. Radachy said that the language will regulate location, size, height, etc. of leisure structures such as arbors, gazebos, etc. Staff stated that leisure structures cannot be higher than 15 feet from grade (14.02/15.02 D 4) or from the surface of a deck, and must be below 2 feet of the roof peak.

1. Remove "Expended Trellises" from the regulations.
2. Add language that carports are considered to be an accessory structure and not an accessory structure, leisure.
3. Remove "Accessory Structure, Leisure may not be unsightly".
4. Remove the requirement that arbors have to be over walkways.
5. Accessory Structures, Leisure are to be located 20 feet from the side right-of-way line for corner lots.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the five recommendations of the Land Use and Zoning Committee to approve the text amendment to Section 14.02 (D), and 15.02 (D), Accessory Structures, Leisure in Painesville Township.

All voted "Aye".

Painesville Township Case #4 – District Change R-1 to B-3

Mr. Radachy said that this is a request that parcel 11A-7B-6 on 1.89 acres of land be rezoned from B-3 and R-1 to B-3. The owners, True North, will remove the house and replace it with a buffer. The Land Use and Zoning Committee recommended the district change be made after the application has been amended.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to accept the recommendation of the Land Use and Zoning Committee and recommended approval of the district change from R-1 to B-3 in parcel 11A-76B-6 in Painesville Township. The application must be amended after it is accepted.

All voted "Aye".

Election of Officers

The Land Use and Zoning Committee elected new officers. Lee Bodnar was elected Chair, Mark Welch was elected Vice Chair and David Radachy was elected Secretary.

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee

Mr. Boyd said Madison Township is still in the permit phase for park enhancements off Hubbard Road. There is a concern about a miscellaneous stipulation from the Corps in Buffalo and ODNR to have a slush fund in place should the project not work.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Route 20 Corridor

Mr. Zondag asked about the Route 20 study in Perry that was discussed several years ago.

Mr. Boyd said that, at the request of the Trustees, we completed the Route 20 Corridor Study in Madison Township. The Lane Road Corridor Study in Perry was also done. We have no local jurisdiction.

Mr. Zondag said that if development picks up, the traffic situation will become more critical. There is just too much traffic for that road and another traffic light will not solve the problem. Route 20 is a death trap. We need some partners to talk about that issue and look at ways of protecting drivers on that road.

Mr. Troy said we have to talk to Ohio Department of Transportation, and possibly, NOACA.

Mr. Zondag said we need a proposal to take to them.

Mr. Siegel said they had a plan to widen Route 20 with drainage improvements and they ran out of money.

Mr. Zondag asked if there was some way to start that discussion again because he thinks the project will be abandoned.

Mr. Boyd said he could apply for a transportation grant for corridor analysis.

Mr. Zondag said he would like to see Madison, Perry, and Painesville Township discuss this issue.

Mr. Boyd said that would be a fairly strong application.

Mr. Troy said that it is a freeway with unlimited access, ingress and egress. Even if a study is done, the actual project costs is not there. The best you are able to get is earmarks for intersections. Allegedly, there are no earmarks.

Mr. Zondag thought at least we should try something. The longer it exists, the more accidents there will be.

Mr. Siegel said they have been trying for eight years to get a light at Perry Park Road and Ohio Street.

Windmill Farms

Mr. Zondag said that the second issue he wanted to discuss was if there was any discussion on where the windmill farms are coming in the county. He knew there were contracts signed with several large nurseries that have up to nine windmills coming into North Perry and Madison Township. Is there going to be anything on paper before they build or is it going to be a big surprise to the county?

Mr. Boyd said this Board would not know. That is all local zoning for those under five megawatts. Everything else is PUCO.

State and County Budget 2011

Commissioner Troy wanted to make everyone aware that we do not know the messages from the state regarding the budget. Local government needs to become more efficient. They have a 15% cut in the state budget so local government gets a 25% cut and it is going to be 50% next year. They want some consolidation and regional approaches. We asked for the tools to get there with the reduced money but we do not seem to be getting them. He wanted to make everyone aware that the dollars to operate any government entity are just going to get more and more finite. If you just reduce on the state level and force all the locals to go to the ballots and make up that money, they have compounded what they say is a problem in Ohio. We are perceived as a high tax state in terms of state and local taxes. He predicted that we will see more changes in the next four or five years than we have seen in the last hundred in terms of local government operations.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Siegel moved and Mr. Schaedlich seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:43 p.m.